

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STANDARD INSURANCE COMPANY,

Plaintiff,

v.

Civ. No. 22-664 DHU/SCY

REBECCA ARMIJO LAKEY an individual,
XENA LAKEY, and E.L., a minor by and
through his mother HEATHER SHREVES, on
behalf of THE ESTATE OF RICHARD ALAN
LAKEY,

Defendants.

ORDER APPROVING SETTLEMENT

THIS MATTER is before the Court on Magistrate Judge Steven C. Yarbrough's August 9, 2023 Proposed Findings And Recommended Disposition ("PFRD"). Doc. 43. In that PFRD, Judge Yarbrough recommends that the Court approve the settlement reached in this case involving a minor child. *Id.* Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 18. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 43).
2. Standard Insurance Company ("Standard")'s Motion To Deposit Interpleader

Funds And Be Dismissed (Doc. 29) is GRANTED IN PART AND DENIED AS MOOT IN PART as follows.

3. Standard shall pay the claimants directly in the amounts ordered by the Court, retaining \$7,000 for its own fees, as stated in the PFRD sealed appendix. Doc. 44.

4. The settlement in the amount stated in the sealed appendix for J.E.L. as a result of the allegations raised in the *Complaint in Interpleader* filed on September 9, 2022 (Doc.1), is hereby approved as being fair, reasonable, and in the best interest of J.E.L.

5. All claims belonging to Rebecca Armijo Lakey, Xena Lakey, and Heather Lakey individually, and as parent and next friend of J.E.L., and all of J.E.L.'s claims which were or which could have been brought by Heather Lackey on behalf of her son against Standard Insurance Company, will be dismissed with prejudice upon submission of closing documents.

6. All immunities and privileges available to the Guardian ad Litem, as articulated by the Tenth Circuit in *Dahl v. Charles F. Dahl, M.D., P.C. Defined Ben. Pension Tr.*, 744 F.3d 623, 630 (10th Cir. 2014), shall be extended to the Guardian ad Litem in this matter, and such Guardian ad Litem, Gabrielle M. Valdez, shall be absolutely immune from any liability for her actions taken pursuant to this appointment, as her participation in this case was in furtherance of the judicial process, *Fuller v. Davis*, 594 F. App'x 935, 939 (10th Cir. 2014). She is hereby released from her duties.

7. The parties shall submit closing documents within 30 days of the entry of this order, subject to requests for reasonable extensions of time.

A handwritten signature in black ink, appearing to read "Paul H. Van", is written above a horizontal line.

UNITED STATES DISTRICT JUDGE